

Serial No.: 10/666,970
Art Unit: 2113

REMARKS

Claims 1-17, 19-24, 26-38, and 41-44 are currently pending. Claims 1-6, 9-13, 17, 19-22, 29-31, 34-36, and 39-40 have been amended for clarification and are supported by the original claims, page 7, line 20, through page 8, line 2, of the specification, and Figures 1, 3, and 4. Claims 18, 25, 39, and 40 have been canceled. Claims 41-44 have been added and are supported by page 7, line 11, through page 8, line 10, of the specification, and by Figure 4. It is respectfully submitted that no new matter has been added.

The specification on page 7, line 26, through page 8, line 2, has been amended for clarification and is supported by the original text and Figure 4, especially, block 350. It is respectfully submitted that no new matter has been added.

The Patent Office rejected claims 1-4, 6-12, 14, 15, 17-20, 22, 23, 25, and 27-40 under 35 U.S.C. 102(b) as being anticipated by Nolet, U.S. Patent No. 6,138,249.

For a claim to be anticipated, each and every non-inherent limitation must be disclosed in a single reference, paraphrasing MPEP 2131.

Claim 1 recites

A server for improving predictive failure attributes of distributed devices, comprising: a receiver for receiving, via a network, failure analysis data from individual ones of a plurality of distributed devices; where each device of said plurality of distributed devices comprises failure analysis software comprising a predictive failure analysis algorithm arranged for collecting failure analysis data of said distributed device and a communications device arranged for transmitting said failure analysis data to said network; wherein said server is arranged for analyzing said failure analysis data and for providing in response to the analysis an updated predictive failure analysis algorithm to the plurality of distributed devices via the network.

Claim 9 recites

A device comprising: a predictive failure analysis algorithm arranged for collecting failure analysis data of said device; and, a communications device coupled to said predictive failure analysis algorithm arranged for

Serial No.: 10/666,970
Art Unit: 2113

transmitting said failure analysis data to a remote server via a network, wherein said remote server is arranged for analyzing said failure analysis data received from said device and from other devices and for providing an updated predictive failure analysis algorithm to the device and the other devices.

Claim 17 recites

A method for performing predictive data analysis using a central server, said method comprising: collecting failure analysis data in individual ones of a plurality of distributed devices in which each of the distributed devices uses a predictive failure analysis algorithm; receiving said failure analysis data at the central server from a network coupled to each device of said plurality of distributed devices; analyzing said failure analysis data received from said each device at the central server; and in response to the analysis, providing an updated predictive failure analysis algorithm from the central server to the distributed devices.

Claim 29 recites

A computer program comprising computer readable program code stored on a computer readable medium for performing failure analysis of a plurality of disk drives that comprise a part of at least one data storage system, comprising first program code for collecting failure analysis data from individual ones of said disk drives and for transmitting said collected failure analysis data to a central server via the world wide web (WWW).

Claim 34 recites

A computer program comprising computer readable program code stored on a computer readable medium for performing failure analysis of a plurality of disk drives that comprise a part of at least one data storage system, comprising first program code, executed by a server, for receiving, via the world wide web (WWW), failure analysis data from said at least one data storage system for analyzing said failure analysis

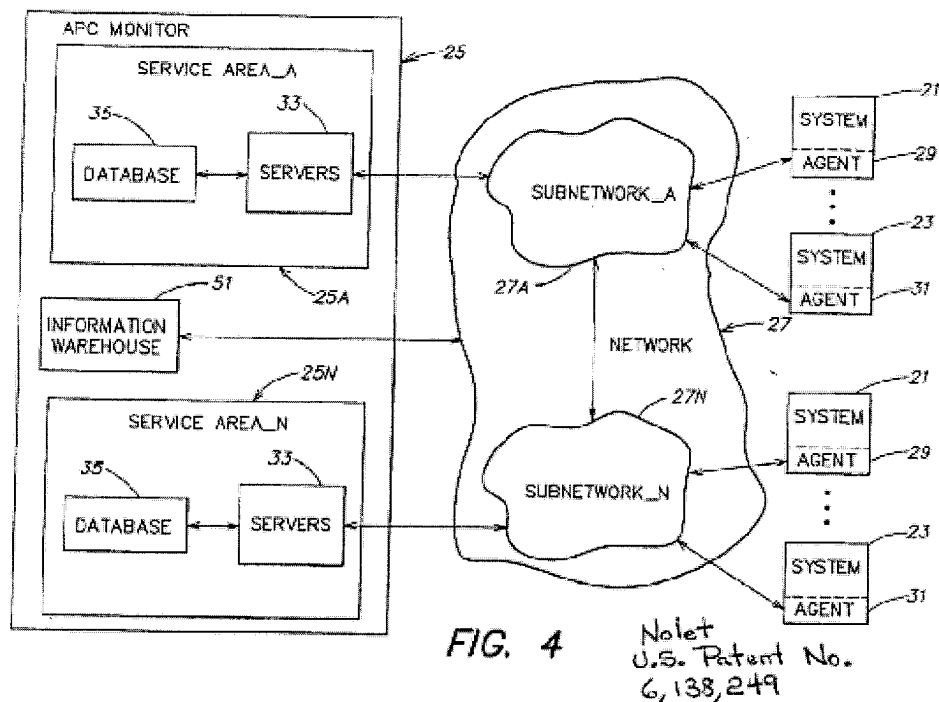
Serial No.: 10/666,970
Art Unit: 2113

data and for deriving an updated predictive failure analysis algorithm therefrom.

Claim 41 recites

A system for monitoring performance of a plurality of distributed devices via a network, comprising: a network; a central server having a monitoring capability, the central server being coupled to the network; a plurality of distributed devices which are coupled to the network and which are monitored by the central server via the network, each of the plurality of distributed devices having a failure data analysis capability provided by a predictive failure analysis algorithm of the corresponding distributed device, each of the plurality of distributed devices providing predictive failure data to the central server via the network, wherein the central server modifies the predictive failure analysis algorithm based on the predictive failure data to provide an updated predictive failure analysis algorithm.

In an exemplary embodiment of Applicant's invention, failure analysis data is provided by distributed devices and, responsive to collected failure analysis data, the central server may send an updated predictive failure analysis algorithm to one or more of the distributed devices (see page 7, line 11, through page 8, line 10).



Nolet does not disclose failure analysis data from a distributed device nor an updated predictive failure analysis algorithm from a central server to a distributed device. Nolet (abstract) discloses a method and apparatus for monitoring a plurality of data processing systems from a monitoring system and responding to service requests by a data processing system by transmitting a data processing system resource update or transmitting information back to the requesting data system indicating if the data processing system resource is up to date (col. 6, lines 16-29). In Nolet (col. 6, lines 48-67), a failing data processing system may identify a nature of the failure and broadcast a service request from the failing data processing system to the monitoring system. Nolet discloses agents provide updates to an adaptive process control (APC) monitor (col. 8, lines 57-64) and that the process manager may broadcast information to the monitored systems to automatically update the software on those systems (col. 17, line 50, through col. 18, line 39; col. 19, lines 21-25). Nolet also discloses a customer service facility that enables software updates to be made to the data processing system automatically (col. 17, lines 50-58), such as through service requests from the agent of a data processing system (col. 17, line 62, through col. 18, line

Serial No.: 10/666,970
Art Unit: 2113

7), but does not disclose or suggest failure analysis data being provided from a distributed device nor an updated predictive failure analysis algorithm being provided from a central server to the distributed device.

Thus, Nolet does not anticipate 1-40.

The Patent Office rejected claims 5, 13, 16, 21, 24, and 26 as being unpatentable under 35 U.S.C. 103(a) over Nolet, in view of Ballard, U.S. Published Patent Application No. 2003/0088538.

Ballard is recited by the Patent Office to teach the failure information provides an indication of operating lifespan of said plurality of distributed devices, the central server may be a manufacturers server, and a firewall. Ballard does not disclose or suggest failure analysis data being provided from a distributed device nor an updated predictive failure analysis algorithm being provided from a central server to the distributed device. Because Ballard does not remedy the deficiency of Nolet, Nolet in view of Ballard does not make obvious claims 5, 13, 16, 21, 24, or 26.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims under 35 U.S.C. 102(b) based on Nolet and 35 U.S.C. 103(a) based on Nolet and Ballard, and to allow all of the pending claims 1-17, 19-24, 26-38, and 41-44 as now presented for examination. An early notification of the allowability of claims 1-17, 19-24, 26-38, and 41-44 is earnestly solicited.

Serial No.: 10/666,970
Art Unit: 2113

Respectfully submitted:

Walter J. Malinowski September 14, 2006
Walter J. Malinowski Date

Reg. No.: 43,423

Customer No.: 29683

HARRINGTON & SMITH, LLP

4 Research Drive

Shelton, CT 06484-6212

Telephone: (203) 925-9400, extension 19

Facsimile: (203) 944-0245

email: wmalinowski@hspatent.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

Date

Name of Person Making Deposit